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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,495	04/02/2001	Bo Shen	10006086-1	1999

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EXAMINER

EL CHANTI, HUSSEIN A

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,495

Applicant(s)

SHEN, BO

Examiner

Hussein A. El-chanti

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to RCE received on July 1, 2005. Claims 1, 12 and 22 were amended. Claims 1-25 are pending examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Emens et al., U.S. Patent No. 6,606,643 (referred to hereafter as Emens).

Emens teaches the invention explicitly as claimed including a system and method for selecting a server from a list of servers according to performance measurements (see abstract).

As to claim 1, Emens teaches a network configured to dynamically and intelligently route requests for services provided by service provider servers, comprising:

a computing device utilizing an Internet service provider (ISP) to communicate over the network (see col. 4 lines 7-25, a resource allocator receives and process user's requests),

an association of at least one application service provider server coupled with said network (see col. 4 lines 7-25, resource allocator maintains a list of resources and the resource providers associated with each resource);

an ingress server configured to receive incoming requests for application services that are directed from the computing device over an established network connection (see col. 4 lines 26-40, server receives user requests for resources);

a routing device configured to intelligently route the client application service request over the network to an associated application service provider server according to predetermined application criteria (see col. 4 lines 41-65, an optimal server is determined); and

an application service provider server register configured to maintain current application service provider server information for at least one outside application server providing said application services associated with a plurality of application services requested by said computing device (see col. 4 lines 25-65, server is selected according to a selected criteria).

As to claim 2, Emens teaches a network according to Claim 1 further comprising a qualifying device configured to intelligently qualify an application service provider server according to predetermined criteria, wherein the application service provider server may become associated with the network (see col. 4 lines 4-col. 5 lines 60).

As to claim 3, Emens teaches a network according to Claim 2 wherein the qualifying device is configured to qualify an application service provider server based on application service quality criteria (see col. 4 lines 4-col. 5 lines 60).

As to claim 4, Emens teaches a network according to Claim 2 wherein the qualifying device is configured to qualify an application service provider server based on application service routing criteria, and wherein the routing device includes routing code for enabling a processor to route client requests to an application service provider server by executing the routing code (see col. 4 lines 4-col. 5 lines 60).

As to claim 5, Emens teaches a network according to Claim 2 wherein the qualifying device is configured to qualify an application service provider server based on the type of service offered by the application service provider server (see col. 4 lines 4-col. 5 lines 60).

As to claim 6, Emens teaches a network according to Claim 1, wherein the network includes a plurality of routing devices and a router table propagator configured to intelligently propagate updates of routing tables that may exist in each of the plurality of routing devices (see col. 4 lines 4-col. 5 lines 60).

As to claim 7, Emens teaches a network according to Claim 1, wherein the ingress server includes a routing device configured with routing code to route client requests to an application service provider server and an application service provider server register configured to maintain current service provider server information (see col. 4 lines 4-col. 5 lines 60).

As to claim 8, Emens teaches a network according to Claim 1 further comprising a plurality of application service provider servers that are affiliated with the ingress server, wherein the ingress server, is configured to route client requests to one or more

of the application service provider servers according to predetermined criteria (see col. 4 lines 4-col. 5 lines 60).

As to claim 9, Emens teaches a network according to Claim 1, wherein the application service provider server register includes a routing table containing property information pertaining to an application service provider server (see col. 4 lines 4-col. 5 lines 60).

As to claim 10, Emens teaches a network according to Claim 1, wherein the application service provider server register includes a routing table containing property information pertaining to an application service provider server including operation status information and type of application service information (see col. 4 lines 4-col. 5 lines 60).

As to claim 11, Emens teaches a network according to Claim 9, wherein the routing table includes a look-up table containing property information pertaining to an application service provider server that can be looked up by the routing device (see col. 4 lines 4-col. 5 lines 60).

As to claim 12, Emens teaches an ingress server configured to route a client request to an application server, comprising:

- a router configured with routing code to route client requests over an established network connection to an application service provider server;

- a parameter reviewer for reviewing and qualifying the adequacy of an outside server's parameter to qualify the adequacy of the submitted parameters;

an application service provider server register configured to maintain current application service provider server information, said register based on the qualifying of said outside server's parameters; and

a monitoring thread for monitoring whether the outside application server is satisfying the client requests (see col. 4 lines 4-col. 5 lines 60).

As to claim 13, Emens teaches an ingress server according to Claim 12 further comprising a qualifying device configured to intelligently qualify an application service provider server according to predetermined criteria, wherein the application service provider may become associated with a service routing network (see col. 4 lines 4-col. 5 lines 60).

As to claim 14, Emens teaches an ingress server according to Claim 13 wherein the qualifying device is configured to qualify an application service provider server based on service quality criteria (see col. 4 lines 4-col. 5 lines 60).

As to claim 15, Emens teaches an ingress server according to Claim 13 wherein the routing device includes routing code for enabling a processor to route client requests to an application service provider server upon execution, and wherein the qualifying device is configured to qualify an application service provider server based on service routing criteria (see col. 4 lines 4-col. 5 lines 60).

As to claim 16, Emens teaches an ingress server according to Claim 13 wherein the qualifying device is configured to qualify an application service provider server based on the type of service offered by the application service provider server (see col. 4 lines 4-col. 5 lines 60).

As to claim 17, Emens teaches an ingress server according to Claim 12, wherein the network includes a plurality of routing devices and a router table propagator configured to intelligently propagate updates of routing tables that may exist in each of the plurality of routing devices (see col. 4 lines 15-col. 5 lines 15, server checks for availability of each resource provider).

As to claim 18, Emens teaches an ingress server according to Claim 12, wherein the application service provider server register includes a routing table containing property information pertaining to an application service provider server (see col. 4 lines 4-col. 5 lines 60).

As to claim 19, Emens teaches an ingress server according to Claim 12, wherein the application service provider server register includes a routing table containing property information pertaining to a application service provider server including operation status information and type of application service information (see col. 4 lines 4-col. 5 lines 60).

As to claim 20, Emens teaches an ingress server according to Claim 12, wherein the routing table includes a look-up table containing property information pertaining to an application service provider server that can be looked up by the routing device (see col. 4 lines 4-col. 5 lines 60).

As to claim 21, Emens teaches an ingress server according to claim 12, further comprising a subscription module configured to route a client request to an application service provider server according to subscription criteria (see col. 4 lines 4-col. 5 lines 60).

As to claim 22, Emens teaches a method for routing a client request to a pre-qualified application service provider server, wherein such routing is performed by a routing server having an application service provider register, comprising:

receiving a client request for an application service to be performed by an application server over an established network connection;

analyzing the client request to determine the type of application service that is requested;

developing a register for said application service provider, said register qualifying said application servers based on the parameters of the services provided by the application servers;

checking the application service provider register for a pre-qualified application service provider server that is capable of performing the requested application service; and

providing a GUI for providing a choice to a user among a number of said application service providers that offer a service that is responsive to said client request; and

routing the request to an application service provider according to predetermined criteria (see col. 4 lines 4-col. 5 lines 60).

As to claim 23, Emens teaches a method according to Claim 22, further comprising the step of choosing an application service provider server from a number of application service provider servers that have been qualified by the routing server for particular application services (see col. 4 lines 4-col. 5 lines 60).

As to claim 24, Emens teaches a method according to Claim 23, wherein choosing a service provider server from a number of application, service provider servers is performed by the routing server according to predetermined subscription criteria (see col. 4 lines 4-col. 5 lines 60).

As to claim 25, Emens teaches a method according to Claim 22, further including intelligently propagating router table updates to application service routing servers (see col. 4 lines 4-col. 5 lines 60).

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A. El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

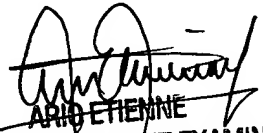
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti

July 25, 2005


ARID ETIENNE
SUPERVISORY PATENT EXAMINER
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